

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Charles Anderson, #99303,

Plaintiff,

vs.

Quality Correctional Health Care, Lt. Sweat,
Lt. Neal, Sgt. Riddick and Ofc. Miller,
Defendants.

C.A. No. 9:19-2086-HMH-MHC

OPINION & ORDER

This matter is before the court for review of the Report and Recommendation of United States Magistrate Judge Molly H. Cherry, made in accordance with 28 U.S.C. § 636(b)(1) and Local Civil Rule 73.02 for the District of South Carolina.

The magistrate judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with this court. See Mathews v. Weber, 423 U.S. 261, 270-71 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made, and the court may accept, reject, or modify, in whole or in part, the recommendation of the magistrate judge or recommit the matter with instructions. See 28 U.S.C. § 636(b)(1) (2006).

Initially, the Plaintiff requested that two defendants be dismissed from the case; however, the Plaintiff filed an objection to the Report and Recommendation requesting that only one defendant be dismissed. In the absence of objections to the remainder of the magistrate judge's Report and Recommendation, this court is not required to give any explanation for adopting the portions of the recommendation to which there is no objection. See

Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983). The court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”

Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005).

After a thorough review of the Report and Recommendation and the record in this case, the court adopts Magistrate Judge Cherry’s Report and Recommendation to the extent that it is consistent with this order and incorporates it herein. It is therefore

ORDERED that this action is dismissed without prejudice against Lt. Neal only. The case shall proceed against the remaining defendants.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
September 15, 2020

NOTICE OF RIGHT TO APPEAL

The Plaintiff is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.